

REMARKS/ARGUMENTS

Claims 1-18 are pending in this application. All claims have been rejected as obvious in view of Kennedy et al. (US 2004/0066913) in view of Ady et al. (US 2002/0136165).

Applicant respectfully traverses the Examiner's rejection. The claimed invention is directed towards a simplified installation and test system using a network termination unit for a broadband network, located locally at a premises. Specific claims are directed to an implementation where the test and installation menus are programmed in an ONT (optical network terminator) and provided to a locally plugged-in BUTT set, advantageously using DTMF signally to communicate to the ONT unit and Caller-ID compatible signaling to communicate the menus from the ONT to the display of the BUTT set (*see, e.g.*, claims 6-7). In doing so, the claimed invention allows a user to avoid the more complicated prior art approaches of using multiple pieces of equipment such as a local test meter or PDA at the premises (*see* Background, ¶ 0003).

The test system of Kennedy is markedly different, essentially being just an extension of the prior art discussed in the Background that the claimed invention helps obviate. Rather than simplify the installation or testing of a premises communication device, Kennedy is directed at providing a more complicated all-in-one form of local hand-held measurement unit 100, to be used in conjunction with a remote network DATU (direct access test unit) 180 located in central office 160. As with the similar prior art, Kennedy does not show any use of a local network termination device and its processor as an integral part of the test system. Nor could it, since the typical telephony NID such as that disclosed in Kennedy does not even have a processor.

With respect to signaling, Kennedy incidentally shows the use of Caller-ID functionality to communicate ID information *from* the measurement unit 100 to the DATU (i.e., the reverse of what is claimed), and DTMF tones to effect *an initial* connection (an escape sequence telling the DATU that it should switch to an FSK session, *see* ¶ 0045). Neither is otherwise used after a connection is established—i.e., in the actual installation or test routines. Rather, Kennedy otherwise teaches the use of an FSK modem (such as a Bell 102 compatible chipset) for bi-directional communications between the measurement unit 100 and DATU 180 while the various test routines are performed (*see* ¶¶ 0043, 0047.)

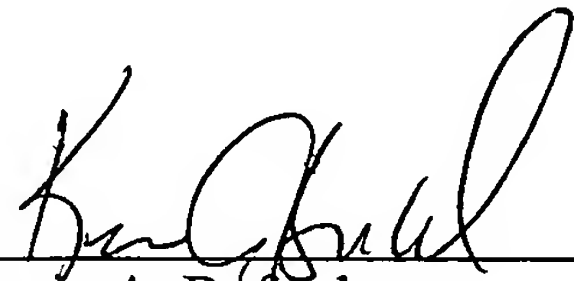
Ady does nothing to cure the shortcomings of Kennedy. Ady does not even show the network termination device for its cable modem embodiment, although such termination units

typically only include power splitters (isolating TV from data signals) and/or ingress filters (isolating RF noise in the premises from the network-side of the termination device), not processors. In the case where an ONT is specifically claimed, the closest analogy in the cable system would be O/E node 108, which does nothing to participate in the testing taught by Ady. Rather, than solving a similar problem as that of Kennedy, Ady merely discloses a different way to conduct a substantially automated self-diagnostics specific to a cable modem system. Since it is automatic (except for the users initial click) it does not rely upon user responses or need a user display. Because it is a cable modem, it teaches away from any signaling of the type claimed, such as the use of DTMF tones or caller-ID compatible signaling and displays. In view of these significant differences, there is very little to suggest any combination of Ady (for automated testing from a cable modem over broadband signaling) with Kennedy (for technician responsive testing over low bandwidth telephony), and even if combined, they fail to teach all the features of the claimed invention.

Thus, applicant maintains that the claimed invention is actually taught away from by the disclosures of Ady and Kennedy, and there is no teaching or motivation for a combination of Kennedy and Ady as suggested by the Examiner. In any event, no combination of these references would teach all the features of the claimed invention.

For the foregoing reasons, applicant respectfully suggests that the pending claims are in condition for allowance, and requests an early allowance of this application.

Respectfully submitted,



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